

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

IN THE MATTER OF:) No. B-08-81428 C-13D
Elnora J. Gooch)
)
Debtor(s))

ORDER GRANTING DEBTOR'S MOTION TO REFINANCE REAL PROPERTY

On March 4, 2010, a hearing was held on Motion by the Debtor for permission to refinance an outstanding mortgage on the property known as 2117 Baltic Ave., Durham, NC ("the real property") and to obtain the refinancing from Cavalier Mortgage. At the hearing, Edward C. Boltz, Esq. appeared on behalf of the Debtor; Richard M. Hutson II, Standing Trustee appeared; and, no other party appeared or objected to the Debtor's Motion. The Court, after considering the Motion in this case and having heard and considered the statements of counsel and the Trustee, finds that the Motion should be allowed; therefore, it is ORDERED:

1. The Motion of the Debtor for permission to refinance the real property is granted.
2. The Debtor is authorized to obtain the refinancing from Cavalier Mortgage in the amount of \$74,965.00, with interest at the approximate rate of 5.5% per annum, amortized for a period of 30 years, and the Debtor is further authorized to execute any and all documents necessary to consummate the refinancing with Cavalier Mortgage. From the proceeds of the refinancing, the Debtor shall pay all prior liens and encumbrances, all expenses and fees of the refinancing, and remit all net proceeds to the Trustee for a payoff of her plan at a 100% dividend to unsecured creditors.
3. John T. Orcutt, Esq., counsel for the Debtor, is allowed attorney fees in the amount of \$450.00 for services rendered in the filing of this Motion and such fee shall be paid through the Debtor's Chapter 13 plan.
4. The closing attorney or agent shall forward all net proceeds due the Debtor, after payment of all outstanding encumbrances and expenses, and derived from the refinancing, together with a copy of the HUD settlement statement or other settlement statement, to the Chapter 13 Office, attn: Anne Covington, PO Box 3613, Durham, NC 27702.
5. The Debtor's plan is modified to pay a 100% dividend to unsecured claims and the net proceeds derived from the refinance shall be applied to allowed claims. After all claims are paid, any balance remaining shall be refunded to the Debtor.

PARTIES TO BE SERVED

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**ALL PARTIES OF RECORD AS OF THE DATE OF THE ORDER SHALL BE
SERVED BY THE BANKRUPTCY NOTICING CENTER**